

CITY OF MORGAN HILL
SPECIAL AND REGULAR CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - JUNE 7, 2000

Mayor/Chairman Kennedy called the meeting to order at 5:05 p.m.

ROLL CALL

Present: Council/Agency Members Cook, Sellers, Tate and Mayor/Chairman Kennedy
Late: Council/Agency Members Chang (5:15) p.m.

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted Per Government Code 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

City Council/Agency Action

CLOSED SESSION:

Interim City Attorney/Agency Counsel Leichter announced the following closed session item:

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)
City Negotiators:	Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

Mayor/Chairman Kennedy opened the closed session to public comment.

ADJOURN TO CLOSE SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 5:07 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:02: p.m.

CLOSED SESSION ANNOUNCEMENT:

Interim City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the above listed closed session item.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, Interim City Manager/Executive Director Tewes led the Pledge of Allegiance.

PROCLAMATION

Mayor/Chairman Kennedy proclaimed June 14, 2000 as *Flag Day*.

CITY COUNCIL REPORT

Council/Agency Member Cook reported on the following: 1) She and Mayor Kennedy met with the Santa Clara Valley Water District and indicated that they are trying to commit the Water District to move ahead with several flood control projects, noting that some headway is being made. 2) South County Regional Wastewater Authority (SCRWA) is looking ahead at building a wetland. This action will allow SCRWA to obtain a permit for river discharge. 3) She has been meeting with the Water Advisory Commission and indicated that the water rates have been set for this year. She indicated that water rates will not be going up this year. 4) The County Pollution Prevention Committee is meeting on a regular basis. 5) She has been meeting with different providers of health care services countywide to understand the issue that the city is dealing with regarding medical services. 6) She indicated that she will not be able to participate in the Cities Association Bocci Ball Tournament. 7) She stated that she and Mayor Pro Tempore Tate serve on a subcommittee that monitors the Metcalf Power Energy station that is being proposed to be built in Coyote Valley. Comments have been sent to the Bay Area Air Quality Monitoring Board, relating to air quality concern as a result of this plant to the community. The Calpine Subcommittee will be monitoring the California Energy Commission's preliminary staff assessment reports. She indicated that 10 meetings are proposed to be held within a two-week period starting next week.

Council/Agency Member Chang stated that on Saturday, June 3, a grand opening was held at the Community Park ballfield. She indicated that the first ball pitched at the ball game has signatures of individuals in attendance at the grand opening. She said that the softball will be going into the time capsule at the Nordstrom Park ground breaking ceremony. She thanked the City Council and staff for their time and effort in completing Nordstrom Park.

Mayor Kennedy announced that on Saturday, June 10 from 11:00 a.m. to 3:00 p.m., a grand opening ceremony is to take place at Nordstrom Park - Morgan Hill's Millennium Park.

INTERIM CITY MANAGER'S REPORT

Interim City Manager Tewes reported that the City Council held a workshop on staff's recommended budget for Fiscal Year 2000-2001. The City Council reviewed a financial plan that was based on a strong financial condition and an ambitious capital improvement program. The City Council conducted one workshop session and will be conducting a public hearing on June 21. He indicated that copies of the budget are available at city hall and the library for inspection by the public. He indicated that a grand opening ceremony will be held at Nordstrom Park and that there will be entertainment, food and beverages provided throughout the day. He invited the community to attend the day's activities.

INTERIM CITY ATTORNEY'S REPORT

Interim City Attorney Leichter informed the City Council and the public that a Monthly Litigation Summary has been provided to the City Council and that copies would be made available to the public. She noted that six cases remain listed, with two to drop off soon: 1) Ross Recreation Equipment Company vs. City of Morgan Hill. The settlement terms have been agreed to consistent with Council direction and requires no monetary contribution by the city and dispossess the city from the law suit. The documents are in final execution form. 2) Morgan Hill Unified School District vs. Minter Fahey. The final settlement documents have been drafted in accordance with Council instruction where the City completely recoups its fees and the city is released from liability in connection with this law suit.

PUBLIC COMMENT

Mayor Kennedy opened the floor to public comments on items not on the agenda. No comments were offered.

City Council Action

OTHER BUSINESS:

1. PROPOSALS FOR MEDICAL SERVICES IN MORGAN HILL

Interim City Manager Tewes presented the staff report and identified the proposals received to date. He recommended that the City Council discuss the responses to the City's request for medical proposals and that it provide direction to staff on how it would like to proceed. He indicated that in April, the City Council adopted a series of public policy objectives and directed staff to seek proposals from health care providers to determine whether they could meet the objectives established by the Council in a feasible manner. He noted that the key objective was the retention of a general acute care hospital in the community or a clear indication on how one can be achieved in the near future. In May, the city received six different responses, some of the responses were from potential partners. Each of the six proposers requested additional time. The City Council granted until June 5 for the responses to be returned. He informed the City Council that three responses were received on Monday, June 5 by 5:00 p.m. He identified the medical services proposed to be provided in each of the proposals from Catholic Healthcare West (proposes a new location for medical offices for

primary care physicians and urgent care facility); 2) JWB Development Corporation (proposes medical facility at a location other than the St. Louise site - propose to build a continuum of care campus with a hospital link with additional land set aside for a full scale medical center in the future); and 3) Morgan Hill Community Hospital, Limited Liability Corporation (LLC), a partnership of local doctors and a nonprofit community foundation. This group proposes to cost acquire the St. Louise property if the City acquires the property either through negotiations or eminent domain. It is proposed that medical offices are to be occupied by members of the partnership and/or other doctors to be attracted to the community. The first floor will have an ambulatory or day surgery center, a diagnostic imaging services, urgent care and occupational medicine practices. The second floor is to be occupied by a speciality surgery group, operating the facility under an acute care license. It is proposed to convert the hospital to a full service acute care hospital within five years.

Mayor Kennedy opened this item to public comment.

Roger G. Holderness, representing Morgan Hill Community Hospital LLC, indicated that the LLC put together a viable Morgan Hill based proposal. He said that there is a high level of interest within the medical profession to locate within the City of Morgan Hill and to provide high level of services to the residents of the community.

Dr. Ted Roussere addressed how this proposal would benefit the community. He indicated that the medical facility would be locally owned and operated. He informed the City Council that 48-hours before submitting the proposal, the national healthcare organization decided not to partner with the LLC. He was able to mobilize a team and re-engineered the medical services plan. He addressed the medical proposal submitted by the LLC that would provide a viable out patient services. At the time when inpatient services are required, this will be the time when the hospital would become a full-blown hospital. He said that land acquisition will be by the LLC. The medical offices would be rented by the LLC (80%). The remainder of the out services would be with Cypress Healthcare Partners. This group runs the Salinas Surgery Center. He identified the medical providers for the medical facility. He stated that medical services have been damaged by CHW and now by the Tennant group. He felt that the only way to resolve this damage is to take local control.

Mr. Holderness said that the proposal includes healthcare providers headquartered in Monterey, Salinas or Carmel areas. He said that this is not meant to indicate that the LLC is trying to draw that marketplace for patients. He clarified that medical providers have indicated a willingness to expand into this area.

Mayor Pro Tempore Tate said that when he received the proposal, he reviewed the proposal in terms of how well it met the objectives as stated by the City Council. He stated that he had a hard time matching the responses to the objectives. He felt that based on the changes that had to be made at the last minute, the LLC was not able to address the objectives as specifically as they were able to. He asked if the Council or staff could work with the LLC to get the objectives explicitly answered? He noted that the proposal did not address 24-hour urgent care or women's services.

Dr. Roussere said that in 48-hours, he had to put together a structure to submit to the City Council. He said that a birthing center would be driven by the obstetrics medical providers. He said that this is an initial proposal and that it could be refined further.

Council Member Sellers asked to what degree of commitment has been attained from medical providers? Dr. Roussere said that medical providers will invest and/or lease medical office buildings once the facility is secured. He said that he did not believe that a 24-hour urgent care facility would be viable at this time and that it would take months or even a year to get to this level of care.

Mr. Holderness stated that he takes responsibility for not being clear on the emergency room facility. He said that this is a facet of the proposal that would come at the time that there is a full service general acute care hospital (projected at five years). He said that under the business plan, the birthing center would be part of the five-year plan when the facility becomes a full service acute care hospital. He informed the City Council that there are doctors in the community who have committed, in writing, to invest, rent, and/or invest/rent the facility. He informed the Council that you have a responsible licensee. They would be responsible for all of the other medical providers using the hospital. There would have to be joint venture agreements between the ambulatory surgery center and the urgent center.

Deke Decosteaux, resident in Woodland Mobile Home Estates, stated that a community without a hospital is a second rate community. He said that if a hospital is voted down, Morgan Hill will become a second rate community.

Kit Greenberg, coordinator of the Morgan Hill Community Hospital Steering Committee and the coordinator of the Alliance for the Community Hospital of Morgan Hill, stated that it was time for the City Council to make a decision and get on with making Morgan Hill a better place to live. She noted that the proposals to provide health care services in Morgan Hill remain the same as before. Some have kept the same objectives of providing a hospital for Morgan Hill. She said that the objectives of the Steering Committee and the Alliance remain the same and that they match those of the City Council and three quarters of the people in Morgan Hill. A full care acute hospital is desired or as close to one as possible, including doctors' offices and urgent care at the hospital site. She indicated that the Committee and the Alliance are prepared to accept temporary, reduced services as long as the hospital building is acquired for eventual full service use. The Committee and Alliance will not be satisfied with any solution that will provide lesser services on a permanent basis, nor will they be satisfied with the ownership by an outside corporation. Some of the proposals rely on future city purchase of an unnamed piece of land and the construction of undesigned buildings. She did not believe that this was a viable solution as a hospital facility already exists. She felt that it was time to move forward with the acquisition of the existing hospital facility.

Scott Kramer stated that his daughter, Morgan, was one of the last babies born at St. Louise Hospital. He said that he chose Morgan Hill for its doctors and the St. Louise Hospital facility. He said that the purchase of land as an alternative hospital site would cost a lot of money due to rising land costs. He recommended that the existing hospital site be retained as a medical/hospital facility.

Marion Smith requested that the Council not ignore a petition containing more than 500 signatures in support of retaining a hospital in Morgan Hill. The people of Morgan Hill deserve a hospital that they can count on in case of emergencies or non emergency situations.

Mark Grzan stated that the residents of Morgan Hill have made a decision on the issue and are asking why hasn't the Council moved forward with medical facilities. The challenge of the City Council is

to make this action happen. He acknowledged that there are risks but that risks should be taken because the benefits to the community would be great. He felt that it was time for the City Council to make a decision as the community has made the decision.

Roger Edrington, San Jose Christian College, introduced faculty and administrators from San Jose Christian College. He indicated that next week, the Christian College will be the owner of the hospital facility. This site is a good site for a Christian college and that it would be a benefit to the community to have a four-year Christian college in the community. He felt that a medical proposal would be viable at an alternate location. He addressed the difficulty in the purchasing power to buy the hospital, the operating capital, and whether there are enough doctors who will use this site. He said that this issue will need to come to a conclusion and that it be recognized that a hospital facility would not remain as such. Therefore, the next best thing for the community is to have a Christian College in the facility. He requested that the Council consider other options in order to make this a win win situation for the City of Morgan Hill.

John Mulligan, new resident of Morgan Hill, noted that Catholic Healthcare West (CHW) is offering to assist in the planning and acquisition of property and to offer \$2 million in "blood money." He felt that their credibility was greatly strained. He did not know how the city can continue to work with CHW considering what they have done to this community. Remodeling the building for educational purposes stress him greatly because there would be a loss of a building that has been fine tuned for medical purposes in exchange for classrooms. He noted that the community currently has a state of the art medical facility with wiring, plumbing, etc., and that it is ready to be used for a medical facility. He recommended that a decision be postponed in order to allow a satisfactory medical solution to be brought forward. He felt that the San Jose Bible College could find another facility to remodel or raise the money to construct a classroom facility.

Grace Fenn, Pastor at Family Worship Center in San Martin, stated that there is a strong force coming into Morgan Hill. She felt that God will help find an alternative for this community. She stated that a building does not make a community, people do. She felt that the community can find an alternative medical facility.

No other comments were offered.

Mayor Pro Tempore Tate stated that he is not satisfied with the proposals. He felt that the Council did a good job in defining the objectives for the community in seeking medical solutions for Morgan Hill. He reviewed the three proposals to see if they met the identified objectives. He was not satisfied that the three proposals met each of the objectives. He felt that the proposal submitted by Dr. Roussere and his group can work if further refined. He did not believe that the other proposals addressed the objectives sufficiently to give a total solution. He recommended that the Council make sure that the medical objectives are met for the community.

Council Member Chang stated that she conducted an informal survey with community members. She identified three questions: 1) Shall the City continue to uphold the current zoning of the hospital property as a medical facility and entertain a doctor's group proposal to continue medical care at the existing facility? 2) Shall the City investigate the feasibility of obtaining another location for a medical facility? 3) Do you have an opinion on this issue or do you oppose both options? She indicated that

she conducted a scientific survey and found that 74% of the citizens of the community want to continue to uphold the current zoning of hospital property, 4% want to investigate the possibility of obtaining another location for a medical facility and 22% have no opinion and do not want the City Council to deal with the hospital issue at all. She said that she would have to listen to the citizens of Morgan Hill and indicated that she will do what they ask of her. She said that she would entertain the doctor's proposal and help them to get to the point to use the existing facility. At the same time, she has great faith in the Christian College. She felt that with RDA monies or assistance from the City, the City will be able to bring the Christian College to Morgan Hill.

Council Member Sellers stated that the Council has been able to have a full airing of all issues in a positive way. He thanked everyone who has provided input. Of the proposals received this evening, he felt that two have merit. However, there are several questions that need to be answered before a final decision is made. He felt that a decision needs to be made sooner rather than later for the community and for the individuals who are directly affected. He is looking forward in trying to do this as expeditiously as possible. He said that it is a goal of the City Council to provide adequate health care services as it is felt that at this time, Morgan Hill does not have adequate health care services. He stated that the Council will go into closed session and indicated that the Council is limited in what it can talk about publicly. He wanted the community to know that the Council is trying to do everything that it can to reach the right decision.

Council Member Cook concurred with Mayor Pro Tempore Tate's assessment that the information requested by the City Council that is required in order to make a fiscally sound decision for this community has not been presented. She understood that the community wants a hospital/medical facility, noting that she also wants these services. She challenged the community to show its support for the hospital. She said that the hospital failed because the community was not there in the past. She recommended that the community come forward and commit to only using Morgan Hill physicians or that it agree to a parcel assessment to support a hospital or other alternatives show community support. She needs to see some sign from the community that they are willing to support any actions that the council takes in a concrete fashion.

Mayor Kennedy stated that this is a difficult question before the Council. There has to be a win win solution for everyone. He felt that it was important that the City restore medical services to Morgan Hill. He was convinced that this can be done. The proposal presented by the partnership has the basic ingredients to do this and that this proposal would work. He was prepared to move forward with accepting the proposal this evening. However, it is his understanding that there are issues and questions that remain unanswered that need to be addressed. He recommended that additional time be given to get the remaining questions answered. He indicated that the Council will be meeting in closed session and that it would be precluded, by law, to discuss specific actions that it may take with respect to the possible acquisition of the hospital. It is his hope that the City Council can direct the City Manager to proceed to further clarify the proposals submitted within 30-days. He recommended that the Council close the proposal process (no further proposals to be accepted) and work with the two proposals presented by the Morgan Hill Community Hospital partnership and CHW.

Council Member Sellers recommended that discussions with the two entities conclude by July 12, 2000.

Action: *Council Member Sellers made a motion, seconded by Mayor Pro Tempore Tate to: 1) close the proposal process, 2) proceed in discussions with the two proposals submitted by the Morgan Hill Community Hospital Partnership and CHW, and 3) Council to conclude discussion with these two entities by July 12, 2000. The motion carried unanimously (5-0).*

Interim City Attorney Leichter stated that it would be unlikely that there will be concrete action coming out of closed session unless the Council decides to take a different path.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 8:18 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 8:50 p.m.

CLOSED SESSION ANNOUNCEMENT

Interim City Manager Tewes announced that no reportable action was taken on closed session item number 1.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang the City Council **clarified and expanded the motion** that was made prior to the City Council going into closed session to include direction to the City Manager that he identify alternative sites and to reconfirm the appraisal of the hospital property site.*

Mayor Kennedy reopened the public hearing for agenda item 1.

Ken Young indicated that he prayed to God about this issue and that God answered him when he asked the question as to which would be better for the City, the hospital or the Christian College. God stated that the medical facility could be built elsewhere and that the Christian college would improve the quality of life for Morgan Hill residents.

Vote: *The motion carried unanimously (5-0).*

CONSENT CALENDAR:

Mayor Kennedy requested that agenda Items 2 and 9 be removed from the Consent Calendar.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **approved** Consent Calendar Items 3-8 and 10-13 as follows:*

3. ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR BUTTERFIELD EXTENSION (MORGAN HILL BUSINESS RANCH) - Resolution No. 5392

Action: 1) **Adopted** Resolution No. 5392, Accepting the Public Improvements for Butterfield Extension, and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.

4. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR EL TORO GARDENS (TRACT 9051) - Resolution No. 5395**

Action: 1) **Adopted** Resolution No. 5395, Accepting the Public Improvements for Tract 9051, commonly known as East Central - El Toro Gardens, and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.

5. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR LA CROSSE VILLAGE II - Resolution No. 5396**

Action: 1) **Adopted** Resolution No. 5396, Accepting the Public Improvements for La Crosse Village II and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.

6. **BICYCLE ADVISORY COMMITTEE REPRESENTATION**

Action: **Approved** the Recommendation by the Morgan Hill Bicycle Advisory Committee (BAC) to Appoint Mr. Bob Eltgroth as Representative to the Countywide BAC.

7. **ACCEPTANCE OF CONSTRUCTION OF STREET REPAIRS - 1999 PROJECT**

Action: 1) **Accepted** as Complete the Construction of Street Repairs - 1999 Project in the Final Amount of \$610,863.17, and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.

8. **AWARD CONTRACT FOR UTILITY CUT REPLACEMENT**

Action: **Awarded** the Maintenance Contract for Utility Cut Replacement to Paul T. Beck Contractors, Inc. for \$50,000 in FY 99-00, and \$50,000 in FY 00-01 Contingent upon Approval of the FY 00-01 Budget.

10. **AB 939 FEE AND HOUSEHOLD HAZARDOUS RECYCLING AND COLLECTION PROGRAM - Resolution No. 5401**

Action: **Approved** Resolution No. 5401 and **Authorized** the Interim City Manager to Execute the Agency Agreement for Countywide AB 939 Implementation Fee and the Agency Agreement for Countywide Household Hazardous Waste Collection Program in the Amount of \$20,000 of City Funds.

11. **RESOLUTION DECLARING BRUSH TO BE A NUISANCE - Resolution No. 5397**

Action: **Adopted** Resolution No. 5397, Declaring Brush to be a Nuisance and Setting June 21, 2000 as the Date for the Public Hearing Regarding Brush Abatement.

12. **AB 1600 IMPACT FEE REPORT FOR THE FISCAL YEAR 1998/1999**

Action: 1) **Made** a Finding That All AB 1600 Impact Fees Are Expended or Committed, and 2) **Accepted and Filed** the Impact Fee Report.

13. EXCEPTION TO LOSS OF BUILDING ALLOTMENT AWARDED TO APPLICATION MP-99-04: CHRISTEPH - KOSICH - Resolution No. 5398

Action: Adopted Resolution No. 5398, Approving an Exception to Loss of Building Allocation and Six Month Extension of Time to December 30, 2000.

2. CALL GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2000 - Resolution Nos. 5389 and 5390

Mayor Pro Tempore Kennedy requested that City Clerk Torrez identify the seats that will be open in the upcoming election.

City Clerk Torrez identified the seats that will be open in the November 7, 2000 election. She indicated that the filing period for anyone interested in seeking office will be from mid-July to mid-August (July 17 to August 11, 5:00 p.m.).

Action: On a motion by Council Member Sellers and seconded by Mayor Pro Tempore Tate, the City Council unanimously (5-0) 1) Adopted Resolution No. 5389, Calling Election to be Held on November 7, 2000 to Elect Mayor, Two City Council Members, One City Clerk and One City Treasurer, and 2) Adopted Resolution No. 5390, Requesting the Services of the County of Santa Clara Registrar of Voters and the Consolidation of the Election.

9. 1999 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY

Mayor Kennedy complimented staff on a well written and prepared Water Quality Report.

Council Member Cook said that Morgan Hill has great water quality and that the water is treated with minimal state required chlorination with some blending of water from different wells for nitrate levels. She indicated that other than the first item listed under "Contaminants," none of the other contaminants are in the water or at a level that violates water quality. She indicated that the state requires the listing of contaminants and clarified that the City does not have inorganic contaminants.

Action: Informational Item Only. No action taken.

PUBLIC HEARINGS:

14. ANNEXATION APPLICATION ANX-99-02: MURPHY - MARQUEZ (APN 817-19-001)

Director of Community Development Bischoff presented the staff report. Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: On a motion by Council Member Sellers and seconded by Council Member Cook, the City Council unanimously (5-0) Tabled the Item.

15. ANNEXATION APPLICATION ANX-00-01: E. DUNNE - WONG (APN 817-19-043)

Director of Community Development Bischoff presented the staff report. Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council unanimously (5-0) **Tabled** the Item.*

16. OUT OF AGENCY SERVICE REQUEST APPLICATION, OSR-00-01: SAN PEDRO - SANTA CLARA VALLEY WATER DISTRICT (SCVWD)

Director of Community Development Bischoff presented the staff report and informed the City Council that the Water District has withdrawn their application and will be pursuing other alternatives.

Planning Manager Rowe stated that an issue raised at a previous meeting was the high water table problem. He indicated that the Water District would like to pursue this problem to see if they need to modify their request in case there are other properties that may be impacted.

Council Member Cook said that this was an item relating to the percolation pond and that a study had been on going for a number of years. This was a topic of the Santa Clara Valley Water District's (SCVWD) Board meetings. She said that both Director Kamei and Sanchez expressed frustration with staff for not having a better handle on this issue. She was pleased that these Board Members expressed their frustration on this issue.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: ***No action taken** as the applicant has withdrawn the application.*

17. APPLICATION: EXCEPTION TO LOSS OF BUILDING ALLOCATION APPLICATION: ELBA-00-05: NINA LANE - DOAN (APN 817-60-021) - Resolution No. 5391

Planner Manager Rowe presented the staff report and informed the City Council that the Planning Commission recommends Council approval of a 12-month extension. The Commission included a requirement that half way through this time period, when the City reviews the fourth quarter report that a report is brought back to the Commission as to the status of the clean up efforts. He said that while the soil testing was prompted by the School District's encounter on their site.

Council Member Sellers asked if contamination was introduced on both sites or was it something that existed naturally? Planning Manager Rowe responded that in this case, the contaminates could be a by product of agricultural operations and that contamination on the District's site was attributed to illegal cess pools constructed on site. He indicated that the policy adopted by the City Council to implement Measure P provides for a one time extension but noted that there is precedent where a second extension has been granted before.

Council Member Cook noted that Measure P states that a project can be granted one extension. She stated that she was not opposed to the second extension. She recommended that more specific language be added to the resolution acknowledging that a second extension is being granted but that the second extension is being granted due to the public health and safety concern associated with the high arsenic levels (history).

Mayor Kennedy opened the public hearing. Glenn Pace, president of Wellington Corporation, stated that the project was ready to proceed when he read that there was contamination found on the school site. In order to be cautious, he had a phase 2 study prepared. Initially, on the surface, the study found some high levels of arsenic. This resulted in drilling down three feet with contamination being found deeper than surface contamination. A lab confirmed that there is excessive arsenic on the property. He requested a one-year extension to complete mitigation of the arsenic. He said that it is not known if the contamination is due to the apricot pits or other uses on the farm land. He said that as soon as he received the report, he notified the City of the public health and safety concern. He also contacted the neighbors to notify them and advised them to test their water. No further comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5391, Granting Exception to Loss of Building Allocation, amending the fifth "Whereas" to describe the two different situations and to explain the history of approving a second exception to the loss of building allocation.*

18. ZONING APPLICATION: ZAA 98-01: E. DUNNE AVE. - SHAW - Resolution No. 5393

Planning Manager Rowe presented the staff report.

Council Member Cook said that there are two issues associated with this application: 1) the issue of shared signage, and 2) whether the process was handled in a manner consistent with code. Mr. Rowe said that staff has reviewed the provisions of the Sign Code and that staff does not agree with Mr. Tichinin's interpretation of the Sign Code. He said that Mr. Tichinin can apply for administrative approval of a shared sign. If staff does not determine that a shared sign is consistent with the provisions, Mr. Tichinin can appeal the denial of the request to the Planning Commission and the City Council.

Mayor Pro Tempore Tate said that it appears that the Planning Commission found that because these were separate parcels with separate driveways, it was not a PUD. He noted that this is a PUD. He felt that there may be a situation where there are separate driveway entrances associated with a PUD. Mr. Rowe clarified that a shared sign can be part of a PUD but that it is not an automatic approval. He said that there are provisions in the Sign Code for freeway dependent businesses within 100 feet of the freeway right of way to use shared signs. He noted that this business is not located within 100 feet of freeway right of way nor is it dependent upon freeway business. He said that shared signage was not approved as part of the PUD. He said that it was felt that each parcel would have its own signage and develop on its own and therefore, was not addressed early on in the PUD process.

Mayor Kennedy opened the public hearing.

Bill Shaw, Shaw Development, informed the City Council that this site was selected in order to have exposure on East Dunne Avenue. He indicated that from the beginning, the PUD showed the location of the monument sign on the corner. He spoke with staff about a shared sign and that it was stated by staff that the shared sign would be handled in the future as a sign permit. He said that he could have had the driveways connected but that he was required to install a new street 450 feet long, noting that there is no visibility of the storage units. He has gone out of his way to make the building as attractive as possible but stated that he needs signage exposure as it is important to the business. It is proposed to lower the sign from the allowed eight feet to six feet, toning down the colors and using the frame to tie in both facilities.

Bruce Tichinin, attorney for the applicant, stated that it was his understanding that the planning commission denied the application on the basis of a consistent treatment analysis in which they found that it would be inconsistent to permit the sign as these are separate parcels with separate access. The Commission also mentioned that granting the permit would give special privilege to the mini storage business not afforded to other businesses. He felt that for consistent treatment analysis and equal protection and special privileges analysis, the true important factor is the issue that this is part of a PUD. He noted that all PUDs fronting Dunne allow the businesses in the back of a PUD to have a presence on the monument sign located in the front of the parcel. In order to give equal protection, he felt that it was necessary for the Council to approve the application. He felt that the separate parcel access and shopping center analysis reflects a rationale to justify hostility toward additional signage on Dunne Avenue by the Planning Commission. He requested that the Council give the same treatment to this applicant that has been given to all other business in PUDs that have frontage on Dunne Avenue.

Tom Daily, managing partner of San Pedro Self Storage, stated that five years ago when he came into town, his first choice was to place a mini storage on Dunne Avenue. However, he was advised by staff that no self storage facility would be allowed on Dunne Avenue. A couple of years later, another developer proposed a mini storage with the exact configuration of this PUD. The application was opposed for the same reason and noted that the application was denied. He said that he did not hear about this project until after the fact and therefore, he did not have a chance to address it. He said that it was his understanding that the City does not want to see self storage facilities along Dunne Avenue. He noted that he is located three blocks away from Dunne Avenue and that this project is one block away from Dunne Avenue. If signage is approved for this Dunne Avenue project, he would also request signage on Dunne Avenue. He noted that all the other self storage facilities in town are located away from main thoroughfares. In fairness and in keeping consistent with policy, he did not believe that the shared signage should be approved.

Council Member Cook stated her support of the Planning Commission's recommendation. However, she recommended that this issue be reviewed city wide as she hears the same complaints from merchants who are located one block away from Monterey Road. She felt that the side businesses were as important to the City to those on Monterey Road.

Mayor Pro Tempore Tate felt that Council Member Cook's recommendation was a good one as it would address his concern that businesses off of Monterey Road are using A-frame signs for

advertisement. He understood the need for the sign to identify the location of the mini storage but that he did not see the need for the Tudor Time sign on top of it because he felt that Tudor Time has sufficient signage. He recommended an overall review of business identification signage for businesses located on side streets.

Council Member Sellers said that working in the downtown and with downtown merchants over the years, signage has been a major issue. He appreciated Mr. Daily's comments. He felt that there was ambiguity from the time that the PUD was submitted to the City and felt that signage should have been addressed early on. He noted that the applicant identified signage on Dunne Avenue in the initial plan submittal. He recommended that the City address Mr. Daily's concern. However, in this case, he did not believe that the city was doing anything different. He noted that the mini storage is not located on Dunne Avenue. As this is one PUD, he would be supportive of allowing a modest sign.

Mr. Tichinin said that if the two applications referred to by Mr. Daily had made applications and gone through the process versus accepting staff's indication that they would not have experienced anything different from the approval that has been given to Mr. Shaw. In addition, Mr. Daily was requesting to be placed in an advantageous position for purposes of competition. He noted that Mr. Daily has not paid the Dunne Avenue frontage prices for his San Pedro facility that Mr. Shaw has. Had he paid those prices, he felt that Mr. Daily would have thought it fair to have a sign that allowed him to advertise his business on Dunne Avenue.

In response to Mayor Pro Tempore Tate's question, Planning Manager Rowe said that a PUD sign can have either one or multiple businesses identified. He informed the City Council that the Planning Commission made a similar observation that Tudor Time has more than ample signage. The Commission has requested that staff return with the PUD to prohibit monument signs on the corner because they did not want to see more signage. He clarified that Tudor Time can install an on site business identification sign. He said that if a monument sign is installed and the sign code is amended, the sign would become a legal non conforming sign. The sign would be allowed to be maintained but not altered.

Interim City Attorney Leichter clarified that should the Council approve the applicant's request, the sign could be constructed identifying both businesses and that the business owners will have a vested right. Even if the Planning Commission states that they do not want a monument sign on Dunne Avenue, the sign will become a legal non conforming use.

Director of Community Development Bischoff said that if the City Council takes action consistent with the Planning Commission's recommended action, the mini storage would not be able to advertise on Dunne Avenue. He informed the City Council that staff has only had a site plan with a note stating that there would be a sign. However, it was not indicated that there would be a shared signage.

Action: *Council Member Cook made a motion, seconded by Mayor Pro Tempore Tate, to 1) **adopt** Resolution No. 5393, denying a request for an amendment to the Precise Development Plan, and 2) **directed** the Planning Commission to look at the whole issue of signage to evaluate the appropriateness of a monument sign in the identified location, including the context of the sign.*

Interim City Attorney Leichter expressed concern that the City Council is not denying the application but that the City Council is referring the application back to the Planning Commission for consideration of the overall context of the issue. She recommended that the City Council deny the application and refer the general issue to the Planning Commission or that the City Council refer this application back to the Planning Commission.

Council Member Cook clarified that it was her intent to deny the application to amend the PUD and to send the general question back to the planning commission.

Council Member Chang recommended that the motion be separated.

Council Member Cook stated that her motion, as stated, is not intended to create a non confirming sign because it would not be a responsible action to take.

Council Member Chang said that she would like the Planning Commission to review the overall issue of signage. She stated that she has not made a decision on the sign before the Council.

Vote: *The motion carried 3-2 with Council Members Chang and Sellers voting no.*

19. ZONING APPLICATION: ZA-99-19: MURPHY - MARQUEZ (APN 817-19-001) - Ordinance 1479, New Series

Planning Manager Rowe presented the staff report. Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council unanimously (5-0) **Approved** the Mitigated Negative Declaration.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Cook, the City Council unanimously (5-0) **waived** the reading in full of the Prezone, Ordinance No. 1479, New Series.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council **introduced** Ordinance No. 1479, New Series by title only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ORDINANCE NO. 559, NEW SERIES, BY PREZONING 2.344 ACRES LOCATED ON THE EAST SIDE OF MURPHY AVENUE, APPROXIMATELY 564 FEET SOUTH OF EAST DUNNE AVENUE, AT 16850 MURPHY AVENUE. THE ZONING AMENDMENT WOULD PREZONE THE PROPERTY FROM COUNTY A1-2.5 ACRES TO CITY R1-7,000 (APN 817-19-001) by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

20. ZONING APPLICATION: ZA-00-01: E. DUNNE - WONG (APN 817-19-043) - Ordinance No. 1480, New Series

Council Member Chang stepped down from discussion of this item due to a potential conflict of interest as she may reside within 300 feet of the property.

Planning Manager Rowe presented the staff report. Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Chang absent, **Approved** the Mitigated Negative Declaration.*

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Chang absent, **waived** the reading in full of the Prezone, Ordinance No. 1480, New Series.*

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council **introduced** Ordinance No. 1480, New Series by title only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ORDINANCE NO. 559, NEW SERIES, BY PREZONING 4.83 ACRES LOCATED ON THE SOUTH SIDE OF EAST DUNNE AVENUE, AT 17630 EAST DUNNE AVENUE. THE ZONING AMENDMENT WOULD PREZONE THE PROPERTY FROM COUNTY A1-2.5 ACRES TO CITY R1-7,000 (APN 817-19-043) by the following roll call vote: AYES: Cook, Kennedy, Sellers, Tate, NOES: None; ABSTAIN: None; ABSENT: Chang.*

Council Member Chang resumed her seat on the dais.

21. TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. (APPLICATION ZA-00-07)

Planning Manager Rowe presented the staff report. He indicated that the RDCS Subcommittee met yesterday and will be meeting Friday to look at the school category, noting that this was not a category that the Council requested further review. This issue came up at the subcommittee meeting. Given the continuance, staff felt that there was enough time for the subcommittee to look at the school category with recommended changes to return to the City Council on July 5.

Council Member Cook noted that this issue was not raised at the Council's workshop meeting and that the Council did not give direction that the school categories be looked at. She recommended that the City Council direct the subcommittee to stick to the agenda given by the Council and to not add any new items. If there are other issues of concern, these issues should be raised next year.

Mayor Kennedy opened the public hearing.

Carolyn Hipp, Warmington Homes, indicated that she is a member of the RDCS Subcommittee. She stated that she raised the school issue once again because it is a two-point category. She felt that the

two point category is a valuable position not only to Warmington Homes but to many other developers who submit applications and try to compete on an even and fair playing field. The current criteria, as written, provides for an unfair opportunity to one developer. She is not trying to pit one developer against another but to urge council consideration to allow developers to compete on a fair and equal footing. In a direct request that came from the Warmington family, she reopened this issue last night. She noted that Warmington does not currently have an on going project and that more than \$600,000 has been committed to a particular site and to this community. She would the opportunity to compete on a fair playing field. She noted that the Central Park project is located in a Mello Roos District and that it is contiguous to her project. She indicated that her parcel is not located in a Mello Roos District.

Council Member Cook noted that there are many projects that are located in a Mello Roos District and that there are other opportunities for a project to gain points. She felt that it was important to recognize projects located in a Mello Roos District as they pay a lot of money to participate in a Mello Roos District. She did not support taking away the two points. She recommended that next year, the criteria be amended to allow opportunities to garnish points

Council Member Sellers recommended that this item be continued to July 5 and that the Council indicate whether it supports having the subcommittee and Planning Commission review the Schools criteria. He did not recommend that the Council discuss the details of amending the category this evening.

Planning Manager Rowe informed the Council that the earliest that the Commission would be able to review the recommended subcommittee changes would be at its June 27 meeting and then July 5 by the City Council. The subcommittee felt that the issue could be addressed as it would not delay the process any further.

No other comments were offered.

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council unanimously (5-0) **Continued** the Public Hearing to July 5, 2000, and directed that the Subcommittee review only the topics identified at the workshop meeting.*

OTHER BUSINESS (continued):

22. APPROVAL OF DISTRIBUTION OF HOUSING TYPE AND TERM FOR THE NEXT RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) COMPETITION - Resolution No. 5394

Planning Manager Rowe presented the staff report.

Mayor Pro Tempore Tate noted that the next agenda item is recommending the eliminating of the micro Measure P competition next year. Planning Manager Rowe said that the Council could recommend that the percentage be increased for micros. He said that the Commission noted that the

number of sites that are available for small project infills are being used. At some point, the number of applications will begin to decline.

Mayor Kennedy opened the floor to public comment.

Wayne O'Connell requested that the Council review the small project set aside as he felt that the numbers are unfair. He felt that a gross inequity was corrected last year. It was recognized a week ago, that a small project has no chance of competing against a large project from a point disparity. He requested that the City Council reinstate the level of a small project set aside to at least 10 allotments. This would establish 22 out of 179 allotments being set aside for small projects and allows them to compete in a minor level as opposed to being eliminated from the competition.

Mr. Jones said that anytime there is a competition, allotments are taken away from small and micro allocations. He said that he has a project that requires five allocations, noting that only four allocations are proposed for micro projects. He requested that micro set asides be increased to 10 or 12 allotments.

Rocke Garcia agreed with Mayor Pro Tempore Tate that the City would do better in the census and that it will be found that there will be extra units available. He recommended that the City Council increase the set asides for micro projects following receipt of the results of the 2000 Census. He felt that it was fair to share but that it was also important to recognize large projects need to continue so that they can be completed.

Dick Oliver disagreed with Mr. O'Connell's statements and felt that larger projects need to be completed. He said that he has been in the process of completing Coyote Estates for 10 years and that he did not believe he has received special treatment with a sizeable investment being made every year. He supported the Planning Commission's recommendation.

No other comments were offered.

Mayor Pro Tempore Tate recommended that the micro set asides be increased at this time and that if there are allotments found following the census that they be added to the open market rate set aside.

Council Member Sellers recommended that the set aside be modified to 75% for open and 5% (10 allotments) for micro set asides. If it is found that there are allotments available based on the Census 2000, that these allotments go toward the open market set aside.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council unanimously (5-0) **Adopted** Resolution No. 5394 Approving the Term and Distribution of Building Allotment for the Measure "P" Competition to be Conducted during Fiscal Year 2000-01, increasing the set aside for micros.*

23. RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) SECOND YEAR PHASING REQUESTS - Resolution Nos. 5399 and 5400

Planning Manager Rowe presented the staff report.

It was noted that Council Member Chang resides within 300 feet of two projects. Therefore, she would be stepping down from agenda item 23.

Mayor Kennedy opened floor to public comment. No comments were offered.

Action: *On a motion by Council Member Cook and seconded by Mayor Pro Tempore Tate, the City Council, on a 4-0 vote with Council Member Chang absent, **Adopted** Resolution No. 5399, Approving Second Year Phasing into Fiscal Year 2002-2003 for Projects in the 1999-2000 Open/Market Rate Competition.*

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Chang absent, **Adopted** Resolution No. 5400 Approving, Second Year Phasing into Fiscal Year 2001-02 for Projects in the February 2000 Micro Measure P Competition.*

In response to Council Member Cook's question, Planning Manager Rowe said that an individual can voluntarily participate in a Mello Roos District as long as Measure P was not the vehicle.

Council Member Chang resumed her seat on the dais

SECOND READING OF ORDINANCE:

24. ADOPT ORDINANCE NO. 1477, NEW SERIES

Action: *On a motion by Council Member Sellers and seconded by Council Member Cook, the City Council **Adopted** Ordinance No. 1477, New Series as follows: An Ordinance of the City of Morgan Hill Amending Chapter 17.50 of the Morgan Hill Municipal Code Establishing Submittal Requirements and Conferring Vested Right Provisions on Nonresidential Tentative Map Approvals by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

25. ADOPT ORDINANCE NO. 1478, NEW SERIES

Action: *On a motion by Council Member Sellers and seconded by Council Member Cook, the City Council **Adopted** Ordinance No. 1477, New Series as follows: An Ordinance of the City Council of the City of Morgan Hill Amending a **Development Agreement to Provide for an Exception to Loss of Building Allocation for Application MP 97-22: Spring - Mal one/Wel lington.** (APN 767-15-006-010) by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Redevelopment Agency Action

OTHER BUSINESS:

26. COMMUNITY AND CULTURAL CENTER COMMENTS AND RESPONSES

Director of Community Development Bischoff presented the staff report. Agency Member Chang noted that the noise level at the Corner of Dunne and Monterey was not addressed. Mr. Bischoff said that the impact of traffic noise to the center was addressed and will be included in the response to comments in the report being prepared for the Council.

Chairman Kennedy opened the floor to public comment.

Evelyn Kobayashi felt that the meeting process was a positive one in that it reestablished communication with the community. She noted that it was stated that 20 individuals attended the two workshops, noting that she signed in as the 26th community member in attendance. She said that many people are dissatisfied with the design of the community center. She said that she would like to see an improvement made to the design. There is a dissatisfaction with the lack of recreational facilities in Morgan Hill and with the lack of concern for building facilities in a positive but uncrowded way. There are many people who are not convinced that the original plan that came out with the EIR met the goals of the community. She was pleased that the Council is taking these concerns under consideration and that she hopes that there will be a much more positive outcome. She said that she would provide photos taken so that they can be copied and included in the final report.

No other comments offered.

Vice-chairman Sellers felt that the architectural firm did a good job in the way they conducted the workshop meetings. He felt that the firm identified every issue that was addressed at the workshop and community meetings held. He did not believe that there were additional issues to be identified.

Action: *On a motion by Vice-chairman Sellers and seconded by Agency Member Tate, the Agency Commission unanimously (5-0) set June 14, 2000 Workshop Date for Review of Responses.*

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

27. JOINT REGULAR AND SPECIAL REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 24, 2000

Action: *On a motion by Mayor Pro Tempore/Agency Member Tate and seconded by Council/Vice-chairman Sellers, the City Council/Agency Commission unanimously*

(5-0) Approved the minutes as written.

City Council and Redevelopment Agency Action

CLOSED SESSION:

Interim City Attorney/Agency Counsel Leichter announced the following closed session items:

1.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS

Legal Authority: Government Code Section 54956.8
Real property involved: 2.93 and 2.03 acre parcels located on the west side of Monterey Road, north of Cosmo Avenue (APN 767-17-046 & 047)
Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager
For Property Owner(s): JGM Venture Inc. & Shang-Chiai Kung et al
Closed Session Topic: Acquisition of Real Property

2.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS

Legal Authority: Government Code Section 54956.8
Real property involved: A 8.93 acre parcel located on West Edmundson Avenue, east of Community Park (APN 767-18-025)
Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager
For Property Owner(s): Herbert W. and Eva W. Gundersen Trustee et al
Closed Session Topic: Acquisition of Real Property

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS

Legal Authority: Government Code Section 54956.8
Real property involved: A 9.33 acre parcel located on East Dunne Avenue, east of Butterfield Boulevard (APN 817-11-046)
Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager
For Property Owner(s): Keith H. Weichert Trustee et al (or appropriate owner)
Closed Session Topic: Acquisition of Real Property

4.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS

Legal Authority: Government Code Section 54956.8
Real property involved: An 8.25 acre parcel located on Diana Avenue, west of the Future Butterfield Boulevard extension (APN 726-12-006)
Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing

For Property Owner(s)	Services; Recreation Manager
Closed Session Topic:	Kontrabecki Associates (or appropriate owner)
	Acquisition of Real Property

5.

PUBLIC EMPLOYMENT

Legal Authority:	Government Code Section 54957
Position:	City Manager Recruitment

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the closed sessions to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 10:37 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 11:15 p.m.

CLOSED SESSION ANNOUNCEMENTS

Interim City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the above listed closed session items.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

No items were noted.

ADJOURNMENT:

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 11:16 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, City Clerk/Agency Secretary